

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14263 of 2020

Arising Out of PS. Case No.-194 Year-2019 Thana- KASBA District- Purnia

MD. SAH JAHAN Son of Late Riyaz Resident of Village - Murad Bagh, P.S.-
Kasba, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-06-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Special POSCO Act Case No. 81 of 2019, arising out of Kasba
Police Station Case No. 194 of 2019, registered for the offences
punishable under Section 376 of the Indian Penal Code and
Section 4 of the Protection of Children from Sexual Offences
Act, 2012.

The allegation against the petitioner is that on the date
of occurrence, the petitioner forcibly lifted the daughter of the
informant and took her to a mango orchard and committed rape
upon her.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case inasmuch as from perusal of the statement of the victim girl, recorded under Section 164 of the Cr.P.C. (Annexure 2), it would be evident that the victim girl has categorically stated that no rape was committed upon her. He further submits that from perusal of the impugned order, it would be evident that the police have submitted charge sheet against the petitioner under Section 354-B of the Indian Penal Code and not under Section 376 of the Indian Penal Code. He further submits that the petitioner is in judicial custody since 28.09.2019.

After having heard learned Counsel for the parties and taking into consideration the facts that the victim girl, in her statement recorded under Section 164 of the Cr.P.C., has not stated that rape was committed upon her by the petitioner, charge sheet has been submitted against the petitioner only under Section 354-B of the Indian Penal Code and the petitioner is in judicial custody since 28.09.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum-



Special Judge, POCSO Act, Purnea, in connection with Special
POCS Act Case No. 81 of 2019, arising out of Kasba Police
Station Case No. 194 of 2019.

It is made clear that at the time of furnishing bail
bonds, all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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